

Benefits and Services Guidebook for Immigrant and Refugee Families: Immigration Status: Definitions and Resources

These resources are provided for educational purposes only and are not meant to replace legal advice. If you or the family you are serving is in need of legal representation or assistance, please see the advocacy resources listed below.

Definitions

Asylum: People who fear returning to their home country because of an individualized fear of persecution can apply for asylum or withholding of removal. A person who fears torture by the home government for any reason can apply for benefits under the Convention Against Torture.

- [*More Information on Asylees*](#)

Refugee: A refugee is someone legally admitted to the United States who cannot return to his or her country “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.” (From the UN Convention Relating to the Status of Refugees 1951 and Protocol 1967.) The population eligible for the services specified for “refugees” include refugees, asylees, Cuban and Haitian entrants, Iraqi, Afghani SIV, certain Amerasians from Viet Nam who are admitted to the U.S. as immigrants, certain Amerasians from Viet Nam who are U.S. citizens, and victims of a severe form of trafficking who receive certification or eligibility letters from the Office of Refugee Resettlement (ORR). The term “refugee,” used in this document for convenience, is intended to encompass persons who are eligible to participate in refugee program services according to ORR definitions

- [*More Information on Refugees*](#)

Temporary Protected Status: People from certain countries that have experienced devastating natural disaster or civil strife may be eligible for Temporary Protected Status, which provides temporary permission to be in the U.S. and temporary work authorization. Applicants need only prove that they are nationals of a country that is currently designated TPS, and have been in the U.S. since a required date.

- [*More Information on Temporary Protected Status & Deferred Enforced Departure*](#)

VAWA Relief: A child is eligible for permanent residency under the provisions of the Violence Against Women Act (VAWA) if he or she has been “battered or subject to extreme cruelty” (including purely emotional abuse) by a U.S. citizen or permanent resident parent or stepparent. This relief is also available to a child of a parent who has been a victim of domestic violence by his or her U.S. citizen or permanent resident spouse.

- [*More Information on Battered Spouse, Children & Parents \(Violence Against Women Act – VAWA\)*](#)

T and U Visas: Child and adult victims of certain serious crimes who cooperate with authorities in investigating or prosecuting the crimes may be eligible for visas designed to protect victims and provide them with lawful status.

The U visa is available to noncitizens who suffer substantial physical or mental abuse resulting from a wide range of criminal activity including assault, domestic abuse, incest, etc. The applicant must possess information concerning the criminal activity and must help in the investigation or prosecution of the criminal activity.

The T visa is more specialized. It is available to victims of human trafficking. This includes (a) trafficked persons who were forced or defrauded into performing sex acts, or while under the age of 18 were induced to perform such an act (sex trafficking), or (b) trafficked persons who were coerced or defrauded into involuntary servitude (labor trafficking). Prior to filing an application for T or U visa, victims have the option to request “continued presence status” for 1 year, which allows them to stay in the country and start receiving necessary services right away, while the information for the T or U visa application is being collected or the case is being investigated or prosecuted.

- [*More Information on Victims of Human Trafficking – T Nonimmigrant Status*](#)
- [*More Information on Victims of Criminal Activity – U Nonimmigrant Status*](#)

Special Immigrant Juvenile Status (SIJS): An important immigration status relevant to children being served by the child welfare system is Special Immigrant Juvenile Status, or SIJS. Created in 1990, SIJS offers undocumented children in out-of-home care the chance to become immediately eligible to file for legal permanent residency in the United States. To apply, the child must be under the age of 21, have a juvenile court order in place (CHIPS, JIPS, or delinquency), and must show that reunification with one or both parents is not viable due to abuse, neglect, or abandonment. Children who obtain legal residency status through SIJS become eligible for public child welfare services to meet their well-being needs, which is especially important to children who will be aging out of care.

- [*Caseworker Toolkit on Special Immigrant Juvenile Status*](#)
- [*More information on Special Immigrant Juvenile Status \(SIJS\)*](#)
- [*Sample SIJS Court Order*](#)

Parolees: Humanitarian parole enables an otherwise inadmissible individual to enter the United States temporarily due to urgent humanitarian reasons (includes medical parole).

- [*More Information on Humanitarian Parole*](#)

Resources

Immigration Law Overview: Prepared by the Workgroup on Safety and Well-Being for Immigrant and Refugee Children and Families (gives a broad overview of the basic facets of immigration proceedings and immigrant status).

A Social Worker's Tool Kit for Working With Immigrant Families – Immigration Status and Relief Options (June 2009): Written by the Migration and Child Welfare National Network, this 21-page tool kit provides public child welfare workers with a basic overview of the dynamics of the U.S. immigration system as it impacts their clients. This tool kit reviews basic immigration concepts and constructs. It includes practical appendices with website links, such as tips for accessing vital documents, facilitating communication between child welfare system and immigration legal counsel, and a summary of immigration relief options applicable to youths in dependency proceedings.

Legal Advocacy and Assistance

Heartland Alliance National Immigrant Justice Center

The Immigrant Legal Defense Project provides immigration assistance and deportation defense services to non-detained immigrants.

Wisconsin Lawyer Referral and Information Service

Immigrant Advocacy Organizations in Wisconsin